

### DETAILED ACTION

Applicants have amended claims 1, 5, 7 and 15 and cancelled claims 4, 6, 8-11 and 16-20 in the amendment filed on April 1, 2009. The claims 1-3, 5, 7, 12 and 15 are considered allowable.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Thomas on April 16, 2009.

2. The application has been amended as follows:

**Delete** the phrase "is a R<sub>1</sub>" in variable R<sub>1</sub> in claim 1.

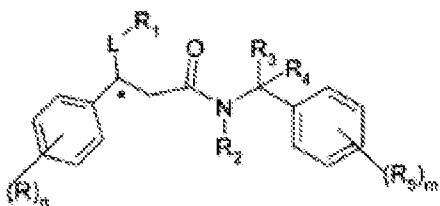
**Insert** the term "and" in between the last two compounds listed in claim 7.

**Amend** the phrase "and pharmaceutically acceptable salts thereof" so that it reads "or a pharmaceutically acceptable salt thereof" in claim 7.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The invention relates to a compound having the Formula



wherein all variables are defined in claim 1. The closest prior art is Niwada, et al. (See RN 143438-64-6 from CAPLUS). The compound having the above Formula is neither taught nor suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Telephone Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawquia Young whose telephone number is 571-272-9043. The examiner can normally be reached on 7:00 AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawquia Young/

Examiner, Art Unit 1626

/Rebecca L Anderson/

Primary Examiner, Art Unit 1626